

REMARKS

In response to the Office Action dated December 29, 2004, the Applicants have amended claims 1, 3, 12, 14, 23, 25, 34 and 36. Claims 1-44 remain in the case. Reexamination and reconsideration of the application, as amended, are requested.

Claims 1-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Funk (U.S. Patent No. 5,793,497).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

The Examiner argued on page 3 that Funk discloses the elements now in the independent claims by referring to FIG. 4-1 of Funk, which shows "suspending deliveries until this date." However, there is no specific explanation in the specification of Funk to relate this "suspension" to the Applicant's claimed "...entering a delivery suspension scheme that replaces the electronic document, if the electronic document is a recurring time basis publication, by a later delivered electronic document each time a new publication of the electronic document arrives so that a latest available publication of the electronic document is stored..." Instead, Funk simply states that "...FIG. 4 provides a brief description of each field; hence, these description s need not be repeated here." Funk does **not** explicitly or implicitly describe how, when or why "suspension" occurs (see col. 5, lines 23-25 of Funk).

In addition, the Examiner incorrectly stated on page 3 of the Office Action that Funk discloses in col. 5, lines 16-51 the elements now in the independent claims. Col. 5, lines 16-51 of Funk simply discloses initial customer database parameters and **not** using a delivery scheme so that the latest available publication of the electronic document is stored, like the Applicant's invention. Thus, Funk's **sole** disclosure of "suspending deliveries until this date" is unclear and appears to be made in passing, and hence, **cannot** be interpreted too broadly and must be kept within the context that it is disclosed within. In re Wesslau, 353 F.2d 238, 147 USPQ 391 (CCPA 1965).

Namely, "suspending deliveries until this date" was in the context of basic customer database set-up, and **not** for replacing recurring time basis publications with later delivered electronic documents each time a new publication arrives so that a latest available publication of the electronic document is stored, like the Applicant's claimed invention. The Examiner is reminded that hindsight **cannot** be used to take the disclosure of a single phrase out of context and assume the presence of the Applicants' claimed photo quality inkjet printhead. Bausch & Lomb, Inc. v. Barnes-

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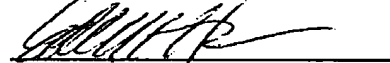
Hind/Hydrocurve, Inc., 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). Therefore, since the claimed elements of the Applicant's claimed invention are not disclosed by Funk, it cannot anticipate the claims, and hence, the Applicant submits that the rejection should be withdrawn.

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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Respectfully submitted,
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